

REMARKS

Claims 1, 2, 4-28 are pending in this application. By this Amendment, claims 1, 4, 14, 24-26 and 28 are currently amended. No new matter is added by this amendment.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The courtesies extended to Applicant's representative by Examiners Dhillon and Hotaling at the interview held April 1, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

Claims 1, 2 and 4-28 were rejected under 35 U.S.C. §103(a) over Franchi (U.S. Patent No. 5,770,533) in view of Shulman (U.S. Publication No. 2002/0123377). The rejection is respectfully traversed.

The rejection of claims 1, 4, 14, 24-28 are respectfully traversed because the Examiner has failed to show wherein even in the combination of Franchi and Schulman that all limitations of the independent claims are found. Specifically, the claims have been amended to recite that there is required information indicating that a guest is in a guestroom of an accommodation facility and the positional items respectfully corresponding to the identification information. In Franchi, there is no way of knowing where the portable remote RSAT may be. In Shulman, the players of a game utilize personal computers that are linked

together. There is no indication that players are in any room or any other location. For this reason, all elements of claim 14 are clearly not present. Therefore, the rejection of claim 14 is respectfully traversed on these grounds.

At least for the reason discussed above, the rejection in view of the applied references is defective.

Furthermore, Franchi '533 discloses an RSAT, which is a two-way remote system that receives a player betting card 401 (col. 15, lines 40-42). Once the RSAT has downloaded the player information from the betting card 401, the RSAT holder releases the RSAT which is portable and can be carried around the casino by the player (see col. 15, lines 45-50). The player's betting card 401 then remains in the RSAT holder under the RSAT is returned to the holder. It is disclosed that RSAT holders may be located at the periphery of the roulette table adjacent to player consoles 1503, at the casino cashier booth, at the operators' stations, at the roulette wheel or any other convenient location in the casino. The games are real, not virtual. The dictionary definition of a casino is a room or building for gambling and other entertainment (see attached dictionary definition). This is not the entire establishment including a hotel having guestrooms which are not for gambling until applicant's invention. Furthermore, even if Franchi were extended to the guestrooms of an accommodation facility, the RSAT system would **merely be able to distinguish that the RSAT was in range**. In other words, the RSAT would not be able to distinguish between guestrooms or the casino. Thus, Franchi discloses a portable two-way remote system which is connected to and must return to RSAT holders which are located in the casino and does not disclose the features recited in the independent claims.

Shulman '377 is a computer-assisted poker tournament for a computer network where observers view various virtual poker tables. The virtual poker tables are not real games

played in casinos as disclosed in Franchi and as claimed by Applicant. Amongst Applicant's pending claims, one of the features recites "acquired information to a manager for managing the game." The manager for managing the game is identified as reference #151 in Applicant's drawings, and is clearly a manager, and not a computer. The difference is clearly seen in Applicant's claim 4 where Applicant claims both the manager for managing the game at line 11 and the separate managing means disposed in the arcade which is a physical device identified in the drawings as reference #12. The Examiner should note that claims such as claim 1 require only the manager for managing the game, and not the separate managing means as recited in claim 4.

In Shulman, there is simply no manager for managing the game as claimed. Instead, Shulman is a gaming system carried out on a computer network which is poker [0002]. The computer network is described at [0023] as being at various locations of a hotel or casino, wide area network extending between several casinos and/or hotels, a general utility communications system like the Internet or any combination thereof. Simply stated, this means that the computers of Shulman may be located any place. It is well known that devices such as personal computers can be located at any place a player of a computer game may choose to be. This does not confine the location to guestrooms (claim 1), or disposed in the guestroom of an accommodation facility (claim 4), located in a guestroom (claim 14), where the guest stays which is provided with a setting input means (claim 24), located in a guestroom (claim 25), disposed in the guestroom (claim 26), etc. All of Applicant's claims require that the communications terminal at least be located in the guestroom.

A reference only disclosing that computers can be located any place, and that computers can be utilized for playing virtual poker does not suggest in any way Applicant's claimed invention. The reason is that Applicant's claimed invention is to provide an additional dimension of gaming with a human manager for managing the game while in a

room. The combination of many PCs and a virtual poker game does not suggest any advantage to moving the RSAT of Franchi out of the casino for any purpose. Still further, the RSAT of Franchi must be returned to and used only with the RSAT holder which is located in the casino. Franchi, in combination with Shulman, does not suggest locating Franchi's RSAT holder in a room, or any place else other than the casino. The reason is that Franchi, while having RSAT devices, is directed to casino security and a casino system located within the casino.

The fact that Shulman discloses a plurality of personal computers which play a virtual game between personal computers operated by persons does not in any way suggest relocating an RSAT of holder of Franchi to a guestroom. The Examiner's suggestion is merely based on improper hindsight analysis in view of Applicant's disclosure.

In the Office Action, the Examiner has made reference to language attributed to KSR such as at page 6 where the Examiner states "all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions." Applicant claims location in the guestroom. The Examiner has not shown that any of the prior art includes guestrooms. All the Examiner has shown is that personal computers can be located any place (Shulman). This guestroom element is simply lacking from the combination of references taken singly or together. Next, the Examiner's argument asserts that elements as claimed may be by known methods with no change in respective function. However, Franchi does not in any way suggest that the function of the RSAT which is related to the casino (public room or building for gambling and other entertainment) suggests a known method of making guestrooms public. Still further, the location of poker-related personal computers which may be located anywhere simply does not include the functions of Applicant's claimed invention. Applicant's claimed invention provides the function of a player's ability to play a game where there is a

manager for managing the game in the privacy of a guestroom. The Examiner argues that the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. This predictability, however, is based not upon anything in the cited prior art, but instead is directly related to Applicant's disclosure such as at [0005] where it is stated that if guests want to enjoy playing a game they must go to the game arcade (the problem with Franchi). The Applicant's specification further discloses that some guests may want to enjoy playing the game while staying in their rooms [0006]. Finally, the function of a manager of a game acquiring information required for proceeding with the game from the guests while staying in rooms is disclosed at [0006]. The problem of playing a floor manager managed game is only disclosed by Applicant.

The Examiner has not complied with the requirements of MPEP §2141(iii) which is rationales to support rejections under 35 U.S.C. §103. The MPEP states that there are possible rationales to support a conclusion of obviousness. (These are lists identified as Rationales A-G.) The Examiner, however, cannot merely jump to the conclusion of yielding predictable results based upon Applicant's specification. The Examiner does not even identify the predictable results, and certainly cannot rely upon the results identified in Applicant's specification as outlined above. This in accordance with *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971) is knowledge gleaned only from Applicant's disclosure and the Examiner has not shown otherwise. There is simply nothing in the prior art references which suggest the guestroom as claimed. Instead, all the references do is suggest location of a computer any place (Shulman). This approach to obviousness is not unlike *In re Baird* 16 F.3d 380, 29 US PQ2d 1550 (Fed. Cir. 1994) wherein in a chemical case, a broad disclosure of a genus has been considered not to be a disclosure of a species. Here the genus is personal computers which are located anywhere, and the species located in a guestroom as claimed.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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